

# RFS2 Registration

## 40 CFR §80.1450

This presentation is for informational purposes only. The information contained herein does not substitute for the regulations located at 40 CFR §80.1450.

# Overview of Changes to Registration Requirements

- **Renewable fuel producers:** In order to generate RINs, a renewable fuel producer must submit as part of their registration information on the following:
  - types of fuel that may be produced at the facility,
  - feedstocks that may be used in production,
  - production processes
  - co-products that are produced (see 40 CFR §80.1426)
  - Facility specific information as required by Title 40 CFR §80.1450
- **Foreign producers** may generate RINs for renewable fuel or else the U.S. importer of such fuel must generate RINs, subject to the following constraints:
  - In either case, the foreign producer must register and receive EPA-issued company and facility identification numbers prior to the generation of any RINs for the fuel
  - In either case, the registration process for a foreign producer is the same as that for a domestic producer
  - Foreign Producers that generate RINs must also meet the requirements of Title 40 CFR §80.1166
- Third-party engineering reviews for all production facilities
- New renewable fuel category (“D” codes)

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# Who needs to re-register?

- All renewable fuel producers and generators of RINs are required to re-register **60 days prior** to the generation of RINs, or by **July 1, 2010**, whichever is later.
- No party can take ownership of or generate RINs unless they are registered with EPA.

# Registration is an important part of RFS2

- Proper registration is critical in order to have the appropriate capabilities in the EPA Moderated Transaction System (EMTS)
  - EMTS is designed to resolve the RIN management issues of RFS1 that lead to widespread RIN errors, many times resulting in invalid RINs and often tedious remedial procedures to resolve those errors.
  - EMTS is also designed to address the added RIN categories, more complex RIN generation requirements, and additional volume of RINs associated with RFS2.
- Thus, if a party does not properly register business activities, facility information, production information (producers), etc., this will affect and limit the user's ability to interact with EMTS.
- Business activities are discussed in the EMTS Transaction Instructions, which will be available at: <http://www.epa.gov/otaq/renewablefuels/epamts.htm>

# Complete vs. Accepted vs. Approved Registration

- **Complete Registration:** Registration that has all the required information for EPA to determine if the registration will be accepted.
- **Accepted Registration (RIN Generators Only):** Registration that is complete and has been submitted to EPA for review but has not yet been approved by EPA.
  - Approval requires the submission and subsequent EPA review of a facility engineering report.
- **Approved Registration:** Registration that is both complete and has been reviewed and approved by EPA.
  - For all users: CDX registration has been completed and the appropriate paperwork has been signed and approved by EPA.
  - For RIN generators only: all of the above, plus a reviewed engineering report that validates all initial registration information that the user supplied in CDX.
- **Time for registration processing will depend on number of pending registrations and degree of completeness of submission.**

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# RIN Generators Only: Accepted Registration

- Users with accepted registration (or registration that has been submitted through CDX, but has not yet been approved) will have capabilities in EMTS to generate RINs. However, there will be an accepted indicator on the Fuels Registration List.
- EPA will work with parties whose accepted registration is not sufficient for approval.
  - If OTAQ staff cannot resolve issues with a party's registration, we may refer the issue to the Office of Enforcement and Compliance Assurance for further action.

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# General Registration Requirements

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# General Information Required for Registration

- Company Name
- Company Address
- Company Telephone and Fax Numbers
- Responsible Corporate Officer Name
- Responsible Corporate Officer Title (e.g., President, CEO)
- Program Type (e.g., Gasoline, Diesel, RFS)
- Business Activities (RIN Generator, Biodiesel Producer, RIN Owner)
- Facility Information (if applicable)
- Record Storage



# Obligated Parties

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Registration Requirement:

40 CFR §80.1450(a)

Definition: 40 CFR §80.1406(a)(1)

# Obligated Party Definition

- Obligated party is defined as (40 CFR §80.1406 (a)(1)):
  - any refiner that produces gasoline or diesel fuel within the 48 contiguous states or Hawaii, or any importer that imports gasoline or diesel fuel into the 48 contiguous states or Hawaii. A party that simply blends renewable fuel into gasoline or diesel fuel, as defined in §80.1407(c) or (f), is not an obligated party
- Additionally, obligated parties must provide EPA with information specified for registration under § 80.76
- Please see <http://www.epa.gov/otaq/regs/fuels/obligatedparties.htm> for more information

# Exporters

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Registration Requirement:

40 CFR §80.1450(a)

Definition: 40 CFR §80.1401

# Exporter Definition

- Exporter is defined as (40 CFR § 80.1401):
  - An exporter of renewable fuel means any party that transfers renewable fuel to a location outside the contiguous 48 states and Hawaii; and a party that transfers any renewable fuel from a location in the contiguous 48 states or Hawaii to Alaska or a United States territory, unless that state or territory has received an approval from the Administrator to opt-in to the renewable fuel program pursuant to Section 80.1443
- Additionally, exporters must provide EPA with information specified for registration under § 80.76
- Please see <http://www.epa.gov/otaq/regs/fuels/obligatedparties.htm> for more information

# Renewable Fuel Producers

Registration Requirement:  
40 CFR §80.1450(b)

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# Producers: General Information

- Any RIN-generating **foreign** or **domestic** producer of renewable fuel or any foreign producer that **sells** renewable fuel **for RIN generation** by a United States importer must provide EPA the information specified under §80.76 and §80.1450(b)
- Producers must receive their EPA-issued company and facility identification numbers prior to the generation of RINs for their fuel

# All Producers: Required Registration Information

- All general registration information, plus:
- A description of the **types of renewable fuels** that the producer intends to produce at the facility
- A **list of all feedstocks** the facility is capable of utilizing for the fuel production
- A description of the facility's renewable fuel **production process**
- A list of the facility's **process energy fuel types** and locations from which the fuel was produced or extracted
- An independent third party engineering review
- Fuel Supply Plan
- Records relevant to generation of RINs from:
  - Producers providing biogas to transportation fueling facilities as described in §80.1426(f)(10)
  - Producers providing biogas to transportation fueling facilities as described in §80.1426(f)(11)
  - Producers using biogas for process heat in the production of renewable fuel as described in §80.1426(f)(12)
- Additional requirements for certain facility specific situations

# Producers with Grandfathered Facilities (per §80.1403(c) and (d))

- For facilities subject to grandfathering pursuant to §80.1403(c) and (d), all the general producer registration information, plus:
  - ❑ The facility's **baseline volume**, as defined in §80.1403(a)(1)
  - ❑ The facility's renewable fuel **production capacity** as specified in applicable air permits issued by the U.S. EPA, state, local air pollution control agencies, or foreign governmental agencies
  - ❑ Copies of applicable **air permits**
  - ❑ Documents that demonstrate the facility's **actual peak capacity** as defined in §80.1403(a)(3)
  - ❑ The date the construction commences



## Producer of renewable fuel made from separated yard waste (per 40 CFR §80.1426(f)(5)(i)(A))

- All the general producer registration information, plus:
  - The location of any municipal waste facility or other facility from which the waste stream consisting solely of separated yard waste is collected
  - A plan documenting how the waste will be collected and ongoing verification that such waste consists only of yard waste
  - See 40 CFR §80.1450(b)(vii)(A)

## Producer of renewable fuel made from separated yard waste (per 40 CFR §80.1426(f)(5)(i)(B))

- All the general producer registration information, plus:
  - The location of any municipal waste facility or other facility from which the waste stream consisting solely of separated food waste is collected
  - A plan documenting how the waste will be collected, how the cellulosic and non-cellulosic portions of the waste will be quantified, and ongoing verification that waste consists only of food waste kept separate since generation from other waste materials
  - See 40 CFR §80.1450(b)(vii)(B)

## Producer of renewable fuel made from separated municipal solid waste (per 40 CFR §80.1426(f)(5)(i)(C))

- All general producer registration information, plus:
  - The location of the municipal waste facility from which the separated food and yard waste is collected
  - A plan providing ongoing verification that there is a separation of recyclable paper, cardboard, plastics, rubber, textiles, metals and glass wastes to the extent reasonably practicable and which documents the following:
    - Extent and nature of recycling that occurred prior to receipt of the waste material
    - Identification of available recycling technology and practices that are appropriate for removing recycling materials from waste stream
    - Identification of the technology or practices selected including an explanation for such selection, and reasons why other technologies or practices were not

## Producer of renewable fuel made from separated municipal solid waste (per 40 CFR §80.1426(f)(5)(i)(C)) (cont.)

- All general producer registration information, plus:
- Copies of contracts relevant to materials recycled from municipal waste streams as described in §80.1426(f)(5)(iii)
- Certification by the producer that recycling is conducted in a manner consistent with goals and requirements of applicable State and local laws relating to recycling and waste management
- See 40 CFR §80.1450(b)(vii)(C)

# Foreign Producers

- Any foreign producer of renewable fuel who would like to generate RINs for their renewable fuel, and any foreign producer that sells renewable fuel for RIN generation by a United States importer, must be registered with EPA prior to the generation of RINs
  - The foreign producer must provide EPA the information specified under §80.1450 if such information has not been provided, and must receive EPA-issued company and facility identification numbers prior to the generation of any RINs for their fuel
- Foreign producers must include the **same registration information** as U.S. domestic producers, including submitting an engineering review by a Professional Engineer or international equivalent
- Foreign producers are also subject to the regulations at §80.1466

# Third Party Engineering Review

- An independent third party engineering review and written report and verification of the information provided.
  - The report and verification shall be based upon a site visit and review of relevant documents and shall separately identify each item required in §80.1450(b)(1)
  - The report must describe how the independent third party evaluated the accuracy of the information provided, state whether the independent third party agrees with the information provided, and identify any exceptions between the independent third party's findings and the information provided per §80.1450(b)(1).
- The verifications required under this section must be conducted by:
  - A Professional Chemical Engineer who is based in the United States and is licensed by an appropriate state agency for a domestic production facility.
  - An independent third party who is a licensed professional engineer or foreign equivalent who works in the chemical engineering field for a foreign production facility.
- To be considered an independent third party:
  - The third party shall not be operated by the renewable fuel producer or any subsidiary or employee of the renewable fuel producer.
  - The third party shall be free from any interest in the renewable fuel producer's business.
  - The renewable fuel producer shall be free from any interest in the third party's business.
  - Use of a third party that is debarred, suspended, or proposed for debarment pursuant to the Government-wide Debarment and Suspension regulations, 40 CFR part 32, or the Debarment, Suspension and Ineligibility provisions of the Federal Acquisition Regulations, 48 CFR, part 9, subpart 9.4, shall be deemed noncompliance with the requirements of this section.
- The third party must provide to EPA documentation of his or her qualifications as part of the engineering review, including proof of appropriate professional license or foreign equivalent.
  - The independent third party shall retain all records pertaining to the verification required under this section for a period of five years from the date of creation and shall deliver such records to the Administrator upon request.
  - The renewable fuel producer must retain records of the review and verification, as required in §80.1454(b)(6).

# Importers

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Registration Requirement:

40 CFR §80.1450(c)

Definition: 40 CFR §80.1401

# Importer Definition

- Importer of transportation fuel or renewable fuel is defined as any U.S. domestic person who (40 CFR § 80.1401):
  - Brings transportation fuel or renewable fuel into the 48 contiguous states of the United State or Hawaii, from a foreign country or from an area that has no opted in to the program requirements of this subpart pursuant to §80.1443
  - Brings transportation fuel or renewable fuel into an area that has opted in to the program requirements of this subpart pursuant to §80.1443 from a foreign country or from an area that has not opted in to the program requirements of this subpart



# General Importer Information

- If an importer would like to generate RINs for a batch of renewable fuel produced outside of the United States, they may only do so if:
  - The foreign producer who produced the fuel is registered with the EPA
  - The foreign producer has not generated RINs for that volume of renewable fuel
- If an importer generates RINs for a batch of renewable fuel produced outside of the United States, then the importer is responsible for meeting all reporting requirements for RIN generation and all recordkeeping requirements for documenting that the feedstock used in production meets the definition of a **renewable biomass** as defined in §80.1401 in addition to the regulations at §80.1466
- If a foreign producer has already generated RINs for a batch of renewable fuel, the importer **is not allowed** to generate its own RINs for the same batch of fuel

# All Other Parties

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Registration Requirement:  
40 CFR §80.1450(e)

# Parties Who Own or Who Intend to Own RINs

- This applies to parties who are not otherwise covered by obligated party, exporter, importer, or renewable fuel producer sections
- Per §80.1450(e), parties must provide EPA with information specified under §80.76
- Parties must submit and have an approved registration and receive an EPA-issued company identification number prior to owning any RINs
- Registration must be submitted at least **30 days** prior to RIN ownership
- Foreign RIN owners are subject to additional regulations at §80.1467

# Parties Who Intend to Allow Another Party to Separate RINs

- This applies to parties who are not otherwise covered by obligated party, exporter, importer, or producer sections
- Small blenders may not be registered as both a small blender under §80.1440 and a RIN owner
- Parties must provide EPA with information specified under §80.76
- If a small blender would like to be registered as a **RIN owner** and **not** a small blender, parties must submit and have an approved registration and receive an EPA-issued company identification number prior to owning any RINs
- Registration must be submitted at least **30 days and approved** prior to RIN ownership
- For companies that intend to allow another party to separate RINs for them, registration must be submitted at least **30 days and approved** before a company may separate RINs on their behalf.

# Registration Updates

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Registration Requirement:  
40 CFR §80.1450(d)

# Producer Registration Updates

- Any producer of renewable fuel who makes changes to his facility that will qualify his renewable fuel for a new “D” code (as defined in §80.1425(g)) that is **not reflected** in the current registration information on file with EPA must update their registration, with an updated engineering review **at least 60 days prior** to the production of the new type of renewable fuel
- Any producer who makes any other changes to a facility that **does not affect** the current “D” code(s) on file with EPA must update registration information **7 days prior** to change
- All producers must update registration information and submit a copy of an updated independent engineering review every **3 years** after initial RFS2 registration (see §80.1450(d)(3) for further information)

# General Registration Updates

- Responsible Corporate Officer (RCO) changes must be updated **within 30 days** of the change
- After approval, if any registration information on file becomes incomplete or inaccurate, EPA must be notified **within 30 days** of the change

# Other Programs

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# Other Programs

- Please note that the RFS program may not be the only program that a company needs to be registered with
- When registering, check the following programs to ensure that another registration is not required:
  - ❑ Reformulated Gasoline (RFG) & Anti-dumping
  - ❑ Motor Vehicle Diesel Fuel
  - ❑ Fuel and Fuel Additive Registration (FFARS)

# Important Information

# Deadlines

- **Obligated Parties, Exporters, Producers & Importers:** Registration information must be submitted and accepted by EPA by **July 1, 2010 or 60 days prior** to RIN ownership, whichever comes later
- **All other parties:** Registration information must be submitted **30 days prior** to RIN ownership

# Completed Registration Mailing Address

## ■ United States Postal Service:

U.S. Environmental Protection Agency  
Fuels Programs Registration (6406J)  
1200 Pennsylvania Ave, N.W.  
Washington, DC 20460

**NOTE: Please do not use the United States Postal Service and address the package to the 1310 L Street location.**

## ■ Commercial Delivery:

U.S. Environmental Protection Agency  
Fuels Programs Registration  
Room 647C  
1310 L Street, N.W.  
Washington, DC 20005

Phone: 202-343-9038

**NOTE: Please do not use a commercial delivery service and address the package to the 1200 Pennsylvania Avenue location.**

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# Help Desk Numbers and Website

- **CDX: 888-890-1995**
  - Call with technical issues associated with web browser, digital signature agreement not downloading properly, etc.
- **RFS: 202-343-9755**
  - Call with regulation questions, any *initial* difficulty with CDX (how to register, etc.)
- You can always visit:  
<http://epa.gov/otaq/regs/fuels/fuelsregistration.htm> for registration information

# Questions

- You may submit questions via this webinar or you may submit questions to [EPAFuelsPrograms@epa.gov](mailto:EPAFuelsPrograms@epa.gov)
- When submitting questions to [EPAFuelsPrograms@epa.gov](mailto:EPAFuelsPrograms@epa.gov), please include:
  - **Subject** of email should be the regulation section that your question pertains to
  - **Body** of email:
    - Name
    - Company Name
    - Contact information
    - What section of the regulations your question pertains to
    - Your question, in as much detail and as concise as possible